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*Admitted only in Maryland
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May 4, 2006

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1644
Examiner: Schwadron, Ronald B.
Confirmation No.: 8008

Re: U.S. Utility Patent Application
Application No. 09/350,401; Filed: July 8, 1999
For: **Inducing Cellular Immune Responses to Hepatitis B Virus Using
Peptide and Nucleic Acid Compositions**
Inventors: SETTE *et al.*
Our Ref: 2473.0060008/PAJ/M-M

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Requirement For Election of Species; and
2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'Mita Mukherjee', followed by a horizontal line.

Mita Mukherjee
Agent for Applicants
Registration No. 54,325

PAJ/M-M/awt
Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SETTE *et al.*

Appl. No.: 09/350,401

Filed: July 8, 1999

**For: Inducing Cellular Immune
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Examiner: Schwadron, Ronald B.

Atty. Docket: 2473.0060008/PAJ/M-M

Reply to Requirement For Election of Species

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated April 4, 2006, Applicants hereby provisionally elect the composition of claim 55, a composition comprising at least one helper T-cell (HTL) epitope. Claims 55, 57, 58, 61 and 62 read on such species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). This election of species is made **with traverse**.

Applicants assert that the two different species are related because one is a second peptide (which is a CTL peptide) that is capable of inducing an immune response and the other is a second peptide (which is an HTL peptide) that also is capable of inducing an immune response. Even assuming, *arguendo*, that either CTL or HTL represent distinct species, Applicants submit that to search and examine the subject matter of the species together would not be a serious burden on the Examiner. For

example, publications which disclose compositions comprising Applicants' claimed peptide and a second CTL peptide, would most likely also disclose compositions comprising Applicants' claimed peptide and a second HTL peptide. Consideration and allowance of all pending claims, are respectfully requested.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Mita Mukherjee
Agent for Applicants
Registration No. 54,325

Date: May 4, 2006

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